

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PET PLASTICS, LLC

and

Case 12-CA-129395

ANGEL L. VAZQUEZ TORRES

ORDER¹

The Employer's petition and amended petition to revoke subpoena duces tecum B-1-IEMCH are denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.² See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).³

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² We find that the Employer's "blanket and generalized" assertions of confidentiality are insufficient. *U.S. v. International Business Machines Corp.*, 81 F.R.D. 628, 630 (S.D.N.Y. 1979).

³ We reject the Employer's contention that the subpoena should be revoked because the Region failed to properly serve the subpoena on the Employer's attorney. No prejudice resulted from this failure, as the petition to revoke was timely filed. See, e.g., *NLRB v. Playskool, Inc.*, 431 F.2d 518, 520 (7th Cir. 1970) (court enforced Board's subpoenas, despite failure to serve respondents' attorneys, noting that the specific respondents were personally served and that timely petitions to revoke were filed and thus, no prejudice was shown); *NLRB v. Cincinnati Bronze, Inc.*, 811 F.2d 607, 607 (6th Cir. 1986) (failure to serve respondent's counsel violated the Board's rules, but the subpoena was enforced because the petition to revoke was timely filed, and thus no prejudice was shown). Because we find that the petitions to revoke the subpoena lack merit, we find it unnecessary to pass on the Region's additional argument that the amended petition was untimely filed.

To the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately

Dated, Washington, D.C., November 25, 2014

MARK GASTON PEARCE, CHAIRMAN

HARRY I. JOHNSON, III, MEMBER

NANCY SCHIFFER, MEMBER

describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.